

Punishing the Unvaccinated: Europe's COVID-19 Health Experiment

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Forget any notions of juicy carrots; the stick approach of savage punishment is in vogue with the Greek government in pushing vaccination rates. It is far from the only one. Across a number of countries in Europe, governments wishing to drive up levels of COVID-19 vaccination have decided to abandon suasion and the generous supply of medical information in favour of penalties and punishments.

In Austria, Chancellor Alexander Schallenberg was very much a standard bearer for that cause, citing stubbornness on the part of the citizenry of his country. (Only 69% of those eligible [have received](#) at least one dose, a rate significantly behind that of other western European states.) "We have enough vaccines," [he told](#) CNN prior to announcing his resignation. "Science gave us the possibility, the exit ticket out of this vicious circle of virus waves and lockdown discussions. And simply not enough people are using this possibility and taking this exit ticket".

European Commission President Ursula von der Leyen is now openly entertaining the idea, one sparked by the emergence of the Omicron COVID variant. "We have the vaccines," she [told reporters](#) in Brussels this month, "the life-saving vaccines, but they are not being used adequately everywhere. And this costs." It was time to "encourage and potentially think about mandatory vaccination within the European Union".

Such ideas had already been circulating in legal and political debates for some time. The European Court of Human Rights decision of [Vavříčka and Others v. The Czech Republic](#), handed down in April this year, is said to have opened the door. That particular case involved parents in the Czech Republic who had refused to have their children vaccinated for a range of reasons, including religious ones. They were punished by fines, and their children excluded from kindergarten.

The majority found that the mandatory childhood vaccination policy was compatible with Article 8 (the right to respect and family life) of the [European Convention on Human Rights](#). Any lawfulness of interference with the physical integrity of a person, the court accepted,

would have to have some basis in the domestic law of the country.

The court also found that a policy object of protecting the health of members of society in general, and declining voluntary vaccination rates which would jeopardise the goal of herd immunity, could justify such rules.

Even the dissenting finding of Judge Wojtyczek [acknowledged](#) that the Convention did “not exclude the introduction of an obligation to vaccinate in respect of certain diseases, coupled with exceptions based upon conscientious objection.”

The latest experiment along these lines is taking place in Athens, with the Mitsotakis government suggesting that those over 60 will be fined €100 if they refuse vaccination past mid-January. (The number of those unvaccinated in that group hovers at around 520,000.) In doing so, Greece makes itself something of a pioneer in targeting a specific age group. Currently, [it has laws](#) mandating COVID-19 vaccinations for staff working in health care facilities and those involving care of the elderly and disabled

Rather than calling it what it is – a punitive measure that risks being disproportionate – the government prefers another angle. “It’s not a punishment,” [claims](#) the Prime Minister Kyriakos Mitsotakis. “I would say it is a health fee.” For the Greek PM, it’s all numbers, age and a few false comparisons. “Experts estimate that the importance of the vaccine in a 70-year-old person is equivalent to 34 vaccinations of younger ones in terms of public health.”

With such sophistry, it is little wonder he is facing trouble. Yanis Varoufakis, former Greek finance minister and current sitting member, is one promising to make things difficult. As a critic of the punitive policy, [he blames himself](#) for having mockingly suggested that odious idea to the Prime Minister. “I had the Prime Minister in front of me in Parliament (two months ago) and ... I said, ‘Imagine that you were to introduce a \$200 fine every month for the unvaccinated... what effect is this going to have?’”

Taking the cudgel and baton to the sceptics and the obstinate in the population, Varoufakis observes, is tantamount to feeding their cause in the most divisive way imaginable. Some people are going to receive the jab as a result of it, but the nation will be divided and opponents feel “that they are being martyred for being concerned.”

He makes [a few important points](#) on the policies of the Mitsotakis administration. The first is the absence of trust citizens have towards government, whose officials have done much to erode. The second is that citizens are generally suspicious of what their government might do next – for instance, bribing them, tickling their pleasure tendencies and hoping that they will fall for a vaccination fix. In many countries, this measure has been used in several instances: vouchers, drinks, meals, and straight cash bribery.

An article [recently published](#) in *Nature* emphasises the salient nature of the first point. “In countries with a high level of consensus regarding the trustworthiness of science and scientists, the positive correlation between trust in science and vaccine confidence is stronger than it is in comparable where the level of social consensus is weaker.”

Previous studies on the nature of Greece’s unwillingness to receive vaccinations show that the government has much work to do. A [study published](#) in January this year in *Global Health and Policy* found that, of a sample of 1004 respondents, a mere 57.7% expressed any desire to be vaccinated against COVID-19. The authors found the pressing “need for

public health officials to take immediate awareness raising measures.”

Any vaccination policy that calls for exclusions and excommunications is one that can only admit to failure. Authoritarianism, be it in terms of health or any field of government endeavour, comes a distant second to the power of persuasion and reassurance. And history has thrown up some dark precedents, which can provide rich fodder for opponents, when countries decided to violate the physical autonomy of humans for the sake of the broader public good. Sensible if traditional on this score, Varoufakis makes a sound recommendation: present the facts.

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